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SUDBURY

area study



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SUDBURY AREA STUDY

J.A. Kennedy, Q.C.

123 Edward St.,
TORONTO 101

May 27, 1970

The Honourable W. Darcy McKeough,
Minister of Municipal Affairs,
Department of Municipal Affairs,
801 Bay Street,
TORONTO, Ontario.

Dear Mr. Minister:

I have the honour to transmit to you here-
with my report on the Sudbury Area Study pursuant to
the authority of Order-in-Council dated the 13th day
of February, 1969.

Respectfully yours,

J. A. Kennedy
Commissioner

ACKNOWLEDGMENTS

The Commissioner desires to express appreciation to the heads of council and councils in the area, to ratepayers who came forward to express their views and opinions, to the various municipal officials who tabulated and furnished information, to the two Conservation Authorities, to Laurentian University, to the Sudbury and District Labor Council, to the Sudbury Chamber of Commerce, to the Sudbury and District Municipal Association, to Radio Stations CFBR, CHNO and CKSO, to CKSO-TV, to Mr. J. R. Meakes, Publisher of the Sudbury Star, to the officials of the various Departments of the Ontario Government for information and helpful consultation and particularly to Mr. S. Clasky, Mr. J. Pearson, Mr. T. Shevciw and Mr. K. Sowa of the Department of Municipal Affairs.

The study in depth could not have been accomplished without their co-operation and invaluable assistance.

ORDER-IN-COUNCIL APPOINTING COMMISSION

Copy of an Order-in-Council approved by
His Honour the Lieutenant Governor, dated the 13th day
of February, A.D. 1969.

Upon the recommendation of the Honourable the Minister of Municipal Affairs, the Committee of Council advise that under Section 10 of The Department of Municipal Affairs Act, R.S.O. 1960, Chapter 98, J.A. Kennedy, Q.C., Chairman of the Ontario Municipal Board, be requested to enquire into and to report to the Minister of Municipal Affairs upon:

- (a) The structure, organization and method of operation of the municipalities of:

The City of Sudbury;

The Towns of Capreol: Chelmsford; Coniston;

Copper Cliff; Levack; and Lively;

The Townships of Balfour; Blezard; Capreol and

Hanmer; Casimir, Jennings and Appleby; Cosby;

Mason and Martland; Dowling; Drury, Denison and

Graham; Falconbridge; Hagar; Neelon and Garson;

Ratter and Dunnet; Rayside; and Waters;

The Improvement District of Onaping;

and of the local boards of all said municipalities.

- (b) The possible structure, organization and method of operation for local government purposes in the geographic townships of: Allen, Attlee, Awrey, Bevin, Bigwood, Bowell, Broder, Burwash, Caen, Cartier, Cascaden, Cherriman, Cleland, Cox, Creighton, Davis, Delamere, Dieppe, Dill, Dryden, Eden, Fairbank, Foy, Goschen, Haddo, Halifax, Harty, Hawley, Hendrie, Henry, Hess, Hoskin, Janes, Kelly, Kilpatrick, Laura, Levack, Lorne, Loughlin, Louise, Lumsden, MacLennan, McNish, Morgan, Norman, Rathbun, Roosevelt, Sale, Scadding, Scollard, Secord, Servos, Snider, Stalin, Street, Struthers, Tilton, Travers, Trill, Truman, Waldie, Wisner,
- (c) All aspects of the functions and responsibilities of local government institutions within the said area, with particular reference to planning and the future development thereof,
- (d) The reorganization or revision of the existing system of local government in the area required by the anticipated future development of the area,
- (e) The effect of policies and operations of the Government of Canada and the Government of Ontario upon the responsibilities and resources of local government in the area,

- (f) Any other related matters, including an examination of boundaries, affecting the local government structure within the area.

Certified,

(Sgd.) J. J. Young
Clerk, Executive Council.

REPORT ON SUDBURY AREA STUDY

This study, as commissioned by order-in-council of the Ontario Government, was to examine and report on local government in the populated area comprising the City of Sudbury and environs. It would appear that a somewhat larger area than that really centred on the City of Sudbury and larger than the area principally dependent on the mining industry was outlined in the terms of reference so that the study would not be inhibited or limited in considering an area large enough to be meaningful within the intention of the commission.

METHOD OF THE STUDY

The study was divided into three phases, as follows:

1. Private meetings with area councils, public bodies and interested citizens in the area to gather facts, opinions, local thoughts and feelings and a general concept of the local social consciousness as it could or might relate to local government structure, existing, anticipated and proposed.
2. Public hearings at which members of the public were invited to appear and discuss any fact or issue related in any way to the study.
3. A canvass in detail of the various departments of the Ontario Government serving or responsible in

3. (Continued)

any way for any part of the study area.

A series of visits by the Commissioner to the Sudbury area was instituted by a public kick-off meeting at Laurentian University in Sudbury arranged and sponsored by the Sudbury Chamber of Commerce, the Sudbury and District Municipal Association and the Sudbury and District Labour Council. The response in turn out to this meeting was as heartening as it was surprising. The large auditorium was filled, and in attendance were substantial representations from all walks of life in the community. The interest displayed by participation during a lengthy question period indicated clearly that great hopes had been built in the community for important and tangible results to come from the study.

THE ATTITUDE OF THE CITIZENS

One overtone that seemed to remain throughout the visits of the Commissioner to Sudbury was a serious misunderstanding on the part of some persons (hopefully a minority) as to the true purpose of this phase of the study. Repeatedly throughout the meetings, both public and private, and in letters to the press complaints were made, sometimes with some force, that the visits of the Commissioner were

not producing evidence and opinions as to the potential benefits to the community from alternative forms of government. The persistence of these complaints, although expressed by a relatively small number, seemed to mirror a certain malaise and dissatisfaction with conditions under existing institutions of local government and with available revenues.

Indeed it is true that some submissions favoured a full-blown two tier form of local government and some even contended strongly for a complete amalgamation of the district into a single, one tier municipality, but in the main, and with few exceptions the strong preference was unmistakably for a maintenance of the status quo as to municipal boundaries and increased revenues to provide services "more on a par with southern Ontario".

It would be unwise to the point of deceit to play down or gloss over this basic discontent with conditions at the local level. The new tax on surface facilities of the mining companies, announced about the time the study commenced, was welcomed, of course, but final judgment withheld by most until the method of distribution and the effect on the old mining revenue payments would be ascertained. "Give us the additional revenue and leave us as we are" seemed to be the burden of most submissions.

There seemed also to be an undercurrent of thinking, more a feeling perhaps, that commissioning of the study meant some form of regional government, inevitable, pre-ordained. Assurances by the Commissioner that his terms of reference were precisely and only those in the order-in-council were not rejected openly but appeared inadequate to dispel the fears so often expressed.

SOME CONSOLIDATION EXPECTED

It did appear, however, especially in conferences with the various councils that a certain amount of thought had been given to some consolidation and a thread of similarity was readily detected in the groupings mentioned. Actually, these groupings did not differ very greatly from those recommended at the end of this report.

Very considerable dissemination appeared to have been given to the statement of the Honourable the Minister of Municipal Affairs of December 2, 1968 - Design for Development - Phase two - in which he indicated a hope that many of the very small units could be consolidated into larger units and thus enjoy many benefits beyond the reach of the very small. This concept appeared to be accepted as inevitable and even desirable but very little support was found for regional government.

One of the elements of this opposition, often submerged but surfacing sometimes, seemed to be a feeling that in any regional structure the core city would predominate and the rights and interests of the suburban population would suffer. Of course, this feeling is not peculiar to the Sudbury district. Fear of the large, the powerful is really a manifestation of the basic human urge for self-preservation. But nowhere has it appeared more pronounced, more deep-rooted and this condition, this phenomenon has had a material effect on some of the more important recommendations in this report.

ONE TIER - TWO TIER

After studying this area in all its phases and all its potential for almost a year and a half the Commissioner is of the opinion that amalgamation of the area extending from Broder and Dill on the south to Capreol on the north and from Coniston on the east to Drury and Cartier on the west would actually be in the best economic and social interests, long-term, of all the inhabitants. After ten years most of the citizens in the area would wonder why it was ever any other way. But in the respectful opinion of the Commissioner to do this would be so diametrically opposed to the wishes of the great majority of the

people concerned as to be unthinkable. Some may feel it would have been better not to have mentioned this, but there was some considerable opinion expressed in support of such a recommendation.

Even a regional government on a two tier basis similar to some which have been introduced elsewhere in the province found relatively little support. As stated above, some consolidation appeared to be as much as most were willing to support. At the same time there was a general opinion that some measure of regionalizing would have to come.

THE AREA

As mentioned at the outset the municipalities and unorganized territory listed in the order-in-council contain a much larger area than that really centred on the City of Sudbury and dependent on the nickel mining industry. After a careful study and somewhat minute examination, it is recommended that the area to be considered and made the subject of this report for these two reasons is an area squared off and bordered on the south by a line through the south boundary of Waters, Broder and Dill, on the west by a line through the west boundary of Drury and Cartier, on the north by a line through the north boundary of Hess, Valley East and Norman and on the east by the east boundary

of Falconbridge, Dryden and Cleland. In the event it is thought desirable to have control of Lake Wanapitei in organized territory, the geographic townships of Rathbun and Scadding could be added. Since it appears that the City of Sudbury may soon go to this lake for its water supply, it may well be found important to have the whole lake within organized territory.

REGIONAL GOVERNMENT

Far too often in the realm of local government one finds an inclination to equate local government with the provision of services, both hard services and others, but limited to the provision of services nonetheless. This is a narrow and regressive concept. The provision of services is very important, of course, but it does not down grade this importance to observe and emphasize that the legislative authority over planning, licensing, building standards, traffic redevelopment are at least equally important. Indeed what power of the local government can be compared in importance with the control and development of land use?

The population in the area described above is about 150,000 people and of these close to sixty percent are in the City of Sudbury. About 7,500 are in Copper Cliff, Broder and Dill which are just adjacent. In the valley in

Valley East, Balfour and Rayside are another 25,000 leaving barely 25,000 inhabitants scattered throughout the rest of the area, in all some 1,200 square miles. Certainly the settlements are small and the distances great. It is not difficult to understand that a resulting great disparity of needs and the distances between settlements militate strongly against a community of services. Will residents in the north-west corner, or in the south-west corner, at least at the start, be satisfied that their local needs such as water or snow removal will be in the control of residents in Sudbury or Falconbridge, 20 or more miles distant as the crow flies?

EXISTING SERVICES

Of course the City of Sudbury has a reasonable level of urban services, some rather costly because of the terrain but the provision of adequate sewerage is proceeding apace. Plans are now under consideration to bring municipal water from Lake Wanapitei instead of from Lake Ramsay as at present. In common with other urban areas this city has a traffic problem. Transportation studies have been made and it may be those concerned are now awaiting the possible change in local government structure before taking major decisions. This certainly

appears to be true in the case of sewage treatment.

All in all the city's hard services appear to be in reasonably good state and the capital works forecast shows a programme of gradual addition of new facilities.

As might be expected the Town of Copper Cliff has adequate urban services but it must be remembered that this is due in great measure to financing and other assistance from International Nickel Company, the owner of most of the land in the town. Water and hydro are supplied by the company. The sewage treatment plant is owned by the company and sewage is accepted from the town for a fee payable out of taxes. The park land is owned by the company and it is to be noted that the municipality supplies police to Lively and Levack, two other municipalities in which International Nickel is a large landowner and a dominant corporate citizen.

The state of planning in the area will be dealt with later in this report but it might be noted in passing that although a long established urban municipality, Copper Cliff has no official plan, no by-law passed under the land use provisions of the Planning Act, no subdivision control by-law and no planning board.

Water

In running down the list of the other organized municipalities in the area service by service one finds

there is municipal water in Lively, Levack, Onaping, Falconbridge and Coniston but none in Waters, Drury, Denison and Graham, Dowling, Rayside, Valley East or Balfour (except in the old town of Chelmsford). There is municipal water in Capreol which was established as a railroad town and in Carson which has existed as a populated area perhaps longer than most other of the municipalities.

Sewers

There are sewers with sewage treatment plants in Copper Cliff, as noted above, and in Lively, Levack, Onaping, Coniston and Falconbridge. There are sewers served by a lagoon in the former town of Chelmsford, now a part of the Township of Balfour, in Capreol and Neelon and Carson. There are no sewers in the other municipalities, except Sudbury.

Hydro

Copper Cliff, Lively and Levack have hydro supplied by International Nickel. Sudbury, Capreol and Coniston have hydro administered by a public utilities commission and the rest of the municipalities are served by Rural Hydro (Ontario Hydro Electric Power Commission).

Parks

Copper Cliff has 13 acres of park land owned by International Nickel. Waters, Levack and Onaping have no park land and the others have substantial areas of park land nearly all under local municipal control.

Libraries

Sudbury, Copper Cliff, Lively, Levack, Onaping, Falconbridge, Coniston and Neelon and Carson have libraries under municipal control while the other seven have no municipal library properly so called. It is reasonable to expect that consolidation resulting in larger municipalities would soon cure this critical deficiency.

Police

Sudbury, Copper Cliff, Coniston, Capreol and Neelon and Carson each has a municipal police force presumably adequate subject to budget restrictions. As noted earlier Lively and Levack are provided with police service by Copper Cliff. Falconbridge and Onaping obtain police service from Falconbridge Nickel Mines for an annual contract price. Waters, Brury, Denison and Graham, Dowling, Balfour, Rayside and Valley East have only the police protection provided by Ontario Provincial Police in rural areas.

Fire

The City of Sudbury maintains a paid full-time fire department. Falconbridge and Onaping purchase fire-fighting protection from Falconbridge Nickel Mines and the other twelve municipalities each have a volunteer force ranging in number from 19 in Copper Cliff to 40 in Valley East. The latter has a paid chief and deputy chief in addition.

PLANNING

Planning merits and must be given a separate section in this report. Planning is the key and should form the handbook of local government - planning is the touch-stone.

From a modest beginning in Ontario less than 50 years ago this strong right arm of political science, this basic science of government has fought back the resistance of "you can't tell me what to do with my land" with disarming logic, with the compelling force of right and truth. Just as wars have propelled man not only into flights of valor but to scientific breakthroughs that enure to the benefit of humanity, so also the burgeoning complexities of modern society and the population explosion have spawned orderly planning and propelled that science

into the driver's seat. One does not have to look far to find convincing examples of this truth.

A part of the Commissioner's survey of the Sudbury area consisted in rather a detailed examination of each municipality, of each unorganized township in turn. This survey took several days and there are no fifteen minute period during that time in which some new situation or example did not appear showing a sorry lack of any real planning. There is a sub-division developed with good quality single family homes built on rock with a minimal cover. No hope of municipal water or sewerage ever. This is a textbook example of what can result from development pressure and lack of any control. At the same time it is a compelling lesson for the future.

Of course that example occurred in unorganized territory but the lack of planning in the municipalities is alarming. Of the 15 municipalities in the area only 6 have a land use control by-law commonly referred to as a zoning by-law. Three have an official plan and parts of a fourth are under an official plan. Ten are under subdivision control, nine have a planning board and only the City of Sudbury has a planning staff. Eight have some contractual arrangement with a very competent firm of planning consultants.

In some ways it is surprising that in Copper Cliff, Lively, Onaping, Levack, Falconbridge and Coniston in which the mining companies are large landowners and dominant corporate citizens there is no official plan or land use control (zoning) by-law in force.

It is with regret that the Commissioner feels obliged to report that one of the loopholes through which development appears to have proceeded notwithstanding the provisions of the planning Act has been the Reference Plan, authorized by both the Registry Act and the Land Titles Act. The means available to stop this abuse is full use of the subdivision control provisions of the Planning Act and the enactment of regulations whereby transfers or conveyances of land in contravention of subdivision control would be subject to severe penalties and would not be accepted for registration under the Registry Act or the Land Titles Act.

SUBSTANTIAL CONSOLIDATION

Before dealing with any consideration of a regional council it would seem that the question of possible consolidation of some of the present local units should be studied. In a statement in the Legislature on December 2, 1968, when he announced the commissioning of this study, the Honourable the Minister of Municipal Affairs said:

"If we adopt a similar line of reasoning for the lower tier in a two-tier system of Regional Government, I suggest that the minimum population of local municipalities in a region should be from 8,000 to 10,000."

As noted earlier in this report the grouping of the smaller municipalities into larger units had been variously discussed at the local level and the councillors interviewed were able to offer specific suggestions with respect to consolidation. In many cases these suggestions resembled in many respects the recommendations made in this report.

DISCUSSION OF PROPOSALS

It might not be amiss to report at this time, in the foregoing connection, one feature of this report that may be unusual. There are many commissioners' reports on record containing recommendations which saw the light of day for the first time when the report was released by the authority receiving it. There are certainly commission inquiries in which it is highly important that secrecy be maintained until the report is released. Investment speculation, control of crime, justice for persons wrongfully accused are all features of certain inquiries that make secrecy of the utmost importance.

But in a report on a study of this nature, where

the recommendations will lead to dialogue with those concerned, with the populace affected, it would seem to be useful if not mandatory that possible recommendations be discussed in advance with those vitally concerned. With great respect this Commissioner can recall recommendations made in certain reports that very likely would not have been made had they been discussed in advance with those vitally concerned. A better understanding of the question would have resulted from such a discussion.

In any event the principal recommendations in this report have been discussed in advance with many of those vitally concerned. In many cases the intended recommendation was modified and in others clearer reasons for the recommendation are presented as a result of such discussions.

ONE CITY - FIVE TOWNSHIPS

The City of Sudbury must needs be the core of any system of local government in this area. Sudbury abuts Copper Cliff on the west and the unorganized townships of Broder and Dill on the south. Broder and Dill simply must become organized. The pressures for development have been severe and can only increase in intensity. They are in the natural path of Sudbury expansion and it simply makes more

objective municipal sense to incorporate them into the city than to incorporate them separately.

This leaves Copper Cliff abutting on the west with a population of about 3,400. If the new concept is to be followed it is too small to stand alone. Two arguments have been advanced against joining Copper Cliff to Sudbury. One is that the reason the outlying areas fear any regionalization is because Sudbury is so big and to add Copper Cliff will merely make Sudbury that much bigger and aggravate and deepen the fears accordingly. If the fear is real, if it is a fear of domination, then the recommendation to be made about representation on a regional council should serve to allay any fear of domination.

The second reason advanced was that if Copper Cliff, with its huge smelter assessment were added to the City of Sudbury then the city would no longer be interested in any regional government and the outlying areas would suffer as a result. As to the huge smelter assessment no one has suggested seriously that the benefit from this assessment should accrue to any one municipality. Ordinary fairness and the facts of life in the area simply dictate that this benefit be available by distribution to the larger area. As to the city being no longer interested in regional government, the province and not the city is

the final arbiter. It is reasonable to expect that the greatest common good will prevail ultimately as the deciding consideration.

In the respectful opinion of the Commissioner there are strong reasons for uniting Copper Cliff with Sudbury. Copper Cliff has been an urban community for a great many years, is fully serviced and it seems its municipal operation should be integrated into a large urban administration such as that in Sudbury. There may also be some important servicing changes to negotiate and work out and it would be better to have this in the control of a more sophisticated staff of officials. The general government of an area in which such a large industrial complex is situate will be better served by the administration of the larger city. To be frank, the large corporate presence will be less dominant and fit better into the city milieu.

The recommendation therefore is that Copper Cliff, Broder and Dill be joined to Sudbury and become a single city municipality.

Two municipalities, the least populous of the five townships proposed should be formed, one southwest and one northwest of the city. The Township of Waters, the Township of Drury, Denison and Graham and the Town of

Lively should be united in one township with a population of about 7,500. Except in the field of planning Lively has much more in the way of urban services than either of the other two partners. Provision should be made for the establishment of urban service areas either by statute or by the Ontario Municipal Board so that just rates may be worked out to pay for new services and facilities to be installed.

The electors should be given the privilege of selecting a name. Perhaps they could be given a choice between Drury, Waters and Lively or such names as the councils might suggest and the Minister direct.

Dowling, Levack, Onaping and the geographic townships of Cartier, Levack, Trill, Fairbank and Cascadden should be united in one township with a population of about 8,300. In this case Levack and Onaping have more in the way of urban services and again urban service areas should be established in the manner suggested. Hess, Harty and Foy might be left out for the present.

Balfour and Rayside, the geographic township of Snider and the remaining portion of the geographic township of Lumsden should be united in one township with a population of about 13,200. Urban service areas may be found appropriate in this new township also.

As to a name it will be recalled that when the Chelmsford-Balfour annexation application came before the Ontario Municipal Board the desire of the applicants was to retain the name Chelmsford but since it was desired to retain township status Chelmsford had to be annexed to Balfour and there was no power in the Board to change the name. Accordingly, the name Balfour had to be retained. It may be found desirable to name the new township Chelmsford or the question could be put to a vote.

The Township of Valley East, the Town of Capreol, the geographic township of Norman and the south half of Hutton should be united in one township with a population of 17,000.

Fairly recent consolidations of the Townships of Capreol, Hanmer and Blezard formed the present Township of Valley East with a population of about 14,000. Actually the present township is large enough to continue as a unit in a lower tier but other factors must be taken into consideration.

The Town of Capreol made almost an impassioned plea not to be consolidated with other units. The arguments were in a measure persuasive. The Capreol council argued that they now have urban services and if united with others lacking these services there would always be

a danger the Capreol ratepayers, having paid for their own services, would be called on to contribute to services for others in other areas. Reasonable protection against this should be provided by the establishment of appropriate urban service areas.

Another argument was that the Town of Capreol is quite removed from any other built up area and should be permitted to remain as a separate unit. After long reflection and anxious consideration the Commissioner is obliged to advise that this town should not be left as a separate unit and can be blended in quite as well as other units elsewhere in the study area, in very much similar circumstances, and which are recommended for consolidation.

The geographic township of Norman is included to square off the area and, of course, so that better control of development may be assured. The south half of Hutton is included because of mining operations there.

It is likely the inhabitants will wish to retain the name of Valley East although, if enough interest is shown, the electors could be given an opportunity to decide between that name and returning to the name of Capreol.

Neelon and Garson, Falconbridge and Coniston should be united with the geographic townships of Dryden, Cleland, Maclellan and Scadding in one township with a

population of about 13,000.

The Townships of Maclellan and Scadding are included to bring the approaches to Lake Wanapitei under municipal control. If it is found desirable to include the geographic township of Rathbun this should be done also. Technical opinions from Ontario Water Resources Commission and perhaps the Department of Health should be obtained on the whole question of necessary controls of approaches to Lake Wanapitei and the head waters of the river.

Garson, Falconbridge and Coniston are all distinctly mining communities. As a result they have many interests in common or of a similar nature. The distance and accessibility between Coniston and the other two settlements should not prove a serious obstacle and being united municipally can only generate harmony after the first possible feelings of antipathy have subsided. This will be equally true in many other parts of the study area.

Philosophy teaches that man is by nature a social animal. The population explosion and resulting increased densities have, through abrasive proximity, placed a great strain on man's social instincts. Witness the present confrontations and demonstrations all over the globe. But

survival demands that man, the intelligent animal, by planning and even trial and error must work out solutions.

A REGIONAL COUNCIL

As discussed earlier there is a strong and deep-seated opposition, especially outside the city, to any restructuring of local government that will deprive local areas of providing and deciding on their local services. In the case of water, sewers, local streets, police, fire protection, parks and other distinctly local services the Commissioner is of the opinion that for the present at least these duties should not be removed from the local (lower tier) councils.

The nascent, smouldering and widespread opposition to removing these duties from the local council make it unwise to attempt to do so at this time. Consent of the governed is an important factor in any democratic process. Those in the area who favour complete or substantial regionalization must remember that measures wholly unacceptable to a great majority will not make for good government and will only intensify unrest and dissatisfaction which it is the duty of good government to allay.

On the other hand, there are subjects of general and even common interest to the whole area which could and

should be decided and administered on a regional basis. The establishment of a regional council is recommended with municipal jurisdiction as hereinafter specified over the region comprising the City of Sudbury and the five townships recommended above.

DUTIES OF A REGIONAL COUNCIL

Planning

As suggested earlier planning is the touch-stone and must be the controlling science in government, especially local government.

Of course, no one suggests that proper planning is not a prime essential in the duties of any local government structure. The defects and blank spots enumerated earlier must be corrected at the earliest possible moment. To neglect to plan is to invite serious problems if not disaster. The question at this stage is who should plan? The answer to that simple question is - everyone.

But the more specific question is whether the planning powers of a municipality under the Planning Act should be vested in the regional council, the area councils (lower tier), or both. The opinion most often expressed to the Commissioner was the old one that matters of purely local planning should be retained to the lower tier, while matters affecting or concerning the whole region should be

reserved to the regional council.

In the first place this is not a simple distinction to make, not an easy line to draw. Careful study and reflection end in a realization that there is a wide spectrum. Admittedly at one end one finds items which are clearly regional in scope, such as the planning of arterial roads. At the other end are items which do appear to be purely local, e.g., how wide should lots be on X street? But are there not "X streets" from one end of the region to the other and what real reason is there to have one rule in Levack and a different rule in Falconbridge? But the difficulty does not end there. Two cardinal principles pervade the whole question and in the respectful opinion of the Commissioner are decisive.

The first is that between the two ends of the spectrum mentioned above is a whole grey area, neither all black nor all white, but mixed. Anyone experienced in the administration of planning law and precepts realizes how very often there arises a contest between the interests of the locality and the interests of the region. The local council, hard pressed to find revenues necessary to provide essential services will look more to economics than to true, over-all planning in deciding and even in attracting a shopping centre, a high density development,

an industry. Cain's reply to the voice asking the whereabouts of Abel - "Am I my brother's keeper?" - has rung down through the ages and finds expression today in the narrow planning generated by a parochial approach.

The very fact that so many issues are grey, relating in part to local interest and in part to regional concern, simply results in contests and controversies between the two levels of government. Disputes and vendettas undermine and weaken government. Efficiency and the public interest are better served by leaving exclusive control of planning at the regional level.

Secondly, there is an old axiom that everybody's business is nobody's business. If the passing of land use control by-laws is reserved to the lower tier councils, it is too much to expect them to foster and serve the regional concept when necessary and override the local interest or give it secondary status. This is to expect human nature to rise to unreasonably angelic heights. The facts of life and experience teach otherwise.

The firm and urgent recommendation is that sole and exclusive municipal jurisdiction under the Planning Act be given to the regional council. This includes appointment and jurisdiction of the committee of adjustment. There are, however, a number of safeguards that

can be built in to protect local interests. The first is in the composition of the regional council itself. Every lower tier council will have at least one representative on the regional council, some two, one will have three and the City of Sudbury will have almost half the regional council members. Each of these members can be expected to give due consideration to the interests of other local councils knowing that perhaps tomorrow an issue affecting his local council will be before the regional council and in some respects it will be a case of "Do unto others....".

Also the planning staff could be divided into departments studying and reporting on different parts of the area. This might even be carried to the extent of having branch planning offices in each local municipality or at strategic locations in the area.

A further and most important safeguard would be to provide a right in each lower tier council to object to any decision in planning by the regional council or to request action where the regional council has neglected or refused. This right of review could be by the Minister or before the Ontario Municipal Board. The virtue in the latter is that the parties could have a hearing.

The question whether there should be a planning

board should be determined by the statute or might be left to the council. The respectful opinion of the Commissioner is in favour of a planning board only with the power to advise but subject to two very specific and very vital provisions. Members of the regional council should not be eligible for membership on the planning board and members of the council should be prohibited by statute from appearing before or making representations or submissions to the planning board.

The reasons for this stipulation seem to be the soul of logic. If the planning board's function is to advise council, and that is certainly what it should be, then surely members of council should not be on the planning board to join in deliberations and vote on what advice they should receive as councillors. To have councillors doing this is at least incongruous and more likely vicious. Substantially the same reason applies to members of council seeking to sway the advice the planning board will give to them as councillors.

Building Standards

For the same reasons that planning should be the sole responsibility of the regional council, so also should building standards, the building by-law and the

issue of building permits. In the north the weather is an additional factor. More sophisticated building standards and minimum requirements are naturally required and this is best served if determined and administered by an area authority.

Licensing

So many occupations, such as the building trades, are very closely allied to the foregoing subject of building standards. Others by their nature, such as taxicabs, are simply hampered by local boundaries from full service to the people, the same people as local government is intended to serve. There may be some businesses now subject to licensing by the police commission and no police commission is recommended by this report to have jurisdiction outside the city. The power in respect of these licenses should be transferred by statute to the regional council or advice could be obtained from the appropriate provincial authority as to another acceptable solution. It might well be that such limited powers could be left with the police commission in the city and reposed in the lower tier councils in the five townships.

Health and Social and Family Services

These functions, except welfare assistance in the city, are now administered by special purpose authori-

ties having jurisdiction over a much wider area. The city administers its own welfare and this service outside the city is administered by a welfare authority, also having jurisdiction over a wider area.

It is recommended that the responsibility for welfare assistance in the city and in the area now administered outside the city be placed under a single authority. The study shows that the other authorities administering services in this class are performing in an acceptable manner and it would not seem wise to disturb them in any way.

It is recommended, however, that the regional council be given the responsibility of appointment and any other duties including taxation in respect of these authorities and the services they administer. Regulations or statutes may require minor amendment to accomplish this.

Taxation

The revenues necessary to meet the budget of the regional council should be apportioned and requisitioned from each lower tier council as is done in the case of other regional councils established heretofore in the province. These amounts would include, of course, the amounts assessable against the region for its share

of the services referred to under the preceding heading.

Capital Borrowing

No longer is it realistic to think of planning in terms of a coloured map on the wall in an ivory tower. Planning is a text, planning is a set of principles, planning is the design for development of the municipality, of the region. Section 15 of The Planning Act provides that every by-law passed by council shall conform to the official plan. This is usually thought of as referring to land use control by-laws. It is not always realized that this applies to all by-laws, capital expenditure by-laws included.

In these days of "tight money" and high interest rates a municipality with a broader tax base will be more likely able to borrow to advantage. Also careful forecasting in advance of capital needs can only enure to the benefit of the man who pays all the bills, the taxpayer.

It is recommended that long-term capital borrowing be the responsibility of the regional council. Returns as to debt and assessment and five year capital forecasts required by the Ontario Municipal Board should be assembled by the regional council and submitted as one application for quota along with that of the regional council itself.

The general provisions with respect to transfer of funds and annual payments in existing regional statutes should apply. Interim borrowing for capital needs could be left to the regional council or the lower tier councils as the regional council might decide.

Roads

Responsibility for local roads should remain with the lower tier councils and at the start for all roads. It is recommended, however, that the regional council be charged by statute within one year, or such moderately longer period as the Minister might approve, with the duty of producing a study in conjunction with the Department of Highways upon which a decision could be made by the council as to those roads which should be brought under the jurisdiction and responsibility of the regional council. The Commission learned that some studies and reports have been made in this regard and the remaining work to be done may be reduced as a result.

COMPOSITION OF THE COUNCIL

Without hesitation the Commissioner recommends that the council be composed entirely of members of the councils elected in the city and five townships. It is his respectful opinion that every member of this regional

council should be required to seek election regularly before some part of the electorate. Direct election of members of regional councils is sometimes proposed. The reason most often advanced for this is that it would enable the regional councillor to devote his full time and energy to regional matters. As the question was raised earlier in this report, where do you draw the line? In any event, the duties of a regional councillor under the present recommendations would not be that onerous and no lower tier council member could conceivably be overburdened with the additional duties.

A far more important reason exists for having a regional council composed, at least substantially, of lower tier councillors. To advise the opposite and have all regional councillors elected directly would mean that two completely separate groups of elected representatives would be elected by the same people to serve the same people in respect of matters so interrelated that it is almost impossible to separate them. Experience shows that to do this is to build in machinery for controversy which can and often does lead to almost insoluble difficulty. If the regional council is composed largely of members of the lower tier councils the result is a common effort leading to mutual understanding and co-operation.

The regional council should be composed of seventeen members from the lower tier councils as follows:

	<u>Members</u>	<u>Population</u>
The City of Sudbury	8	94,000
The Township composed of Waters et al	1	7,500
The Township composed of Dowling et al	1	8,300
The Township composed of Balfour et al	2	13,200
The Township composed of Valley East et al	3	17,000
The Township composed of Neelon and Garson et al	2	13,000

This is not a mathematical application of representation by population but two factors play a part in this result. With great respect the Commissioner is strongly of the opinion that if even the measure of regional government proposed is to be accepted outside the City of Sudbury then the inhabitants of the outlying areas must feel secure that they will not be "dominated" by the core city. This fear, real because it is so strong, is encountered elsewhere but in the experience of the Commissioner nowhere is it found as intense as in this particular district.

Having regard to this clearly apparent situation, the Commissioner informed delegations from every suburban council and from the Sudbury city council that he intended to recommend in this report the division of representation recommended above, making it clear of course that this could be made the subject of further dialogue after the report before legislation and also that this would be only the Commissioner's opinion and not a decision.

In practice, this should not work to the disadvantage of either the city or the suburban areas. If any proposal were favoured unanimously by the city representatives and were equitable then it seems not too much to expect that one supporter from outside the city would be found. On the other hand, in a group representing such wide interests it is reasonable to expect a measure of co-operation. In any event, in cases at once so important and so delicate perhaps success is best nurtured by the big being big.

The chairman of the council should be appointed by the council from among their number and hold office for a year. He should be a representative of the core city and the suburban areas alternately from year to year. Of course, if the chairman is to be the chief administrator of the municipality this might not protect desirable

continuity. But the recommendation in this report is that the chairman of the regional council be just that, chairman of the regional council, and not the chief administrative officer. It is the strong recommendation of this report that neither the chairman nor the council engage in duties of administration. It should be the function of the council to enact legislation within its jurisdiction and set policy. There should be a chief administrative officer appointed by the council to see to the enforcement of that legislation and the carrying out of that policy. Of course, council would retain the power to make contracts and the duty to approve administrative acts of its officials.

This would not amount in practice to abdication in favour of an employee. Council would still be responsible and, the facts of life in municipal government being what they are, council would not fail to hear of discontent or disagreement over administrative decisions. The council could always sit in review of individual complaints but would be able to retain an objective view if relieved of the detail of every individual case. This objective view would assist greatly in setting policy as well as in deciding on a review of administrative decisions made by

its official.

The members of the regional council should include the head of each lower tier council and all members of the city board of control. Additional members from each lower tier council to the number required should be the councillor or councillors who among those elected to that lower tier council received the highest percentage of the votes cast in the ward of each respectively. A tie should be broken by a vote of the head of the lower tier council concerned.

It is recommended that elections be held every two years. In the respectful opinion of the Commissioner a three year term takes members farther away from the electors. The great strength of local government lies in the elected members remaining close to the electors, consulting them frequently and facing them for a new mandate every two years. The old suggestion that a three year term is required to give them a year to get acquainted with the work, at least a year to carry out a programme and a year to get ready for the next election is inaccurate by at least a year. Elections return 80 to 90 percent of the former council so that there is little time required to become acquainted with the work. Generally speaking, councils elected for two years have two years

to carry out a programme.

These elections should be made to coincide with school board elections. This would generate more interest among the electors.

Each of the municipalities should be divided into wards to ensure that at least in the transitional years the electors in each present unit being consolidated will feel assured of representation.

CONSERVATION AUTHORITIES

There are at the present time two conservation authorities, the Junction Creek Conservation Authority and the Whitson Creek Conservation Authority. As their names imply, these have jurisdiction in the watersheds of the Junction and Whitson creeks respectively. Almost all the territory of the Junction Creek authority is in the City of Sudbury. Ninety-five to ninety-nine percent of the levies raised are levied against the city.

In the city there are 4.5 miles of covered drain, much of this under busy roads and important buildings. The area of the Whitson Creek authority ranges mostly to the north of the city through suburban and rural land.

The suggestion has been made from time to time that these two authorities be amalgamated into one. There

does not appear to be any objection to this from the members of the authorities nor indeed from the provincial department concerned. The Commissioner recommends that these two authorities be amalgamated. From extensive study it seems clear that there would be no difficulty whatever in apportioning the cost of works or the cost of administration.

There is also what appears to be a well grounded suggestion that the benefits of the Conservation Authorities Act be extended to the Vermillion River and its watershed. The study learned that there is erosion requiring attention in the way of remedial works. The amalgamated authority should be charged with the duty, in conjunction with the Department, of making recommendations about extending the area to include at least some part of the Vermillion River.

HOSPITALS

It is doubtful if an area could be found elsewhere in the province lending itself more appropriately to establishment as the municipality to contribute the municipal share of hospital cost. The hospitals in Sudbury serve this whole area now and it may well be that those in charge will decide at a future date that some construction could be located to advantage outside the city. There is

one reservation, however.

The hospital committee charged with the responsibility of raising capital for hospitals have obtained a very substantial commitment of cash contributions from International Nickel Company and a proportionately smaller sum from Falconbridge Nickel Mines Limited. Undoubtedly the purpose of these commitments was to match, so to speak, contributions out of municipal taxes to which these mining companies did not contribute prior to this year.

It is recommended that the municipal share of the capital cost of hospitals be made the responsibility of the regional council but it is imperative, of course, that no such measure will be allowed to jeopardize the substantial commitments mentioned above. There is no reason to believe this cannot be worked out in the public interest.

SEPARATE SCHOOLS

It was not the intention to deal in this study or report with respect to education. This has been regionalized under comparatively recent legislation. The educational share, for secondary and public schools, of the new tax on the surface mining facilities is available for those branches of education without any restructuring of municipal government. It did not appear to be within the

terms of reference for this study to examine the administration of education.

However, the Sudbury Separate School Board did approach the Commission expressing a fear that if the revenues of the Board of Education were increased substantially from this new tax on mining facilities, this could increase the spread between the revenues per pupil available for public and for separate schools. It is not an over-statement to say that the present regulations governing statutory provincial grants in aid of education are extremely complicated. One needs to possess an unusual comprehension of these complexities to foretell the results on the revenues of these boards from a new tax such as the one in question.

It would seem that the separate school trustees, who are understandably concerned, should approach the appropriate officials in the Department of Education to analyse and canvass fully the results of this new tax in so far as they are concerned. The Commissioner is of the respectful opinion that he should not attempt to delve into this question. It did seem appropriate, however, in view of the request, to point up this question as additional insurance that it will receive due study.

UNORGANIZED TERRITORY

In the course of the study considerable information was gathered, naturally, concerning development in unorganized territory. A considerable part of this territory will be brought under municipal control if the recommendations of this report are adopted. But as development proceeds apace it is to be expected that there will be pressures for development on lands that will still be in unorganized territory. A theme recurring again and again in discussions with officials and individuals was a lack of over all policy, over all control of development in the unorganized areas.

Permits required were obtainable or obtained from different agencies. It seemed that permits refused by one would be granted by another and of course complaints were also heard of the suspicion, at least, of political interference. If such a condition exists, and there was some evidence that it did, then development was not being guided and controlled according to a plan and according to sound principles adopted in the public interest.

The Commissioner recommends with the greatest respect that permits for development and land use in unorganized territory be placed in the hands of a single

authority administered by one official. He might have an advisory committee composed of representatives of each department of the Provincial Government having an interest or administrative or other duty in the area. These would include the Departments of Justice, Mines, Highways, Lands and Forests, Health, Social and Family Services, Tourism, Municipal Affairs and very likely others. Rulings of this official would be subject, of course, to review by the Executive Council.

A REGIONAL STATUTE

The greatest strength of local government in Ontario over the years has been due in no small measure to the fact that it has been controlled in the main by general statutes such as the Municipal Act, the Local Improvement Act, the Planning Act and a number of others. With the advent of regional government each new region established has come into being under a special statute. It is true that many of the provisions are similar but there is a danger that if this is continued it will develop eventually, perhaps sooner, into a charter form of government. This would mean special legislation for each region proliferating in a short time with a lack of any cohesive policy.

It is recommended that attention be given to the

development of a statute or a new part for the Municipal Act to consolidate all those provisions which will apply to and govern all regional local governments. There will always be occasion for some special legislation but those most concerned will agree good government demands that it be kept to a minimum.

THE FUTURE

It is apparent that the measure of regional government recommended in this report is minimal. The Commissioner has in mind, of course, that gradual changes are more desirable in some respects. They generate less opposition at the local level and at the same time permit a slower and sounder integration. But the principal reason for recommending limited regional measures, as mentioned earlier, is the widespread and deep-seated antagonism in the area to any changes in structure of local government which would place local services under control of persons or authorities in other sections of the area.

A second reason is that the consolidations recommended are urgently needed and will be more readily accepted. To impose extensive regional government at the same time might be going too far too fast. Integrating these consolidations will take some time if the transition is to be orderly and if serious complications are to be

avoided. The problems resulting from consolidation such as cost sharing, establishment of service areas, new policies to govern various phases of administration and working out relationships with the regional council will be a stout challenge to the new councils. But solving these problems will bring better government.

A new election will follow at the end of two years allowing the councils to present to their electorate the plans and programmes then proposed for further changes in matters of local government. After this second election it is suggested that in co-operation with the Northern Affairs Branch of the Department of Mines and as may be appropriate with the Department of Municipal Affairs, the councils should begin to prepare submissions to be made to a further Review. It is recommended, accordingly, that at the end of three years consideration be given to the commissioning of a further study or review of such nature and scope as may be deemed appropriate at that time.

All of which is respectfully submitted.

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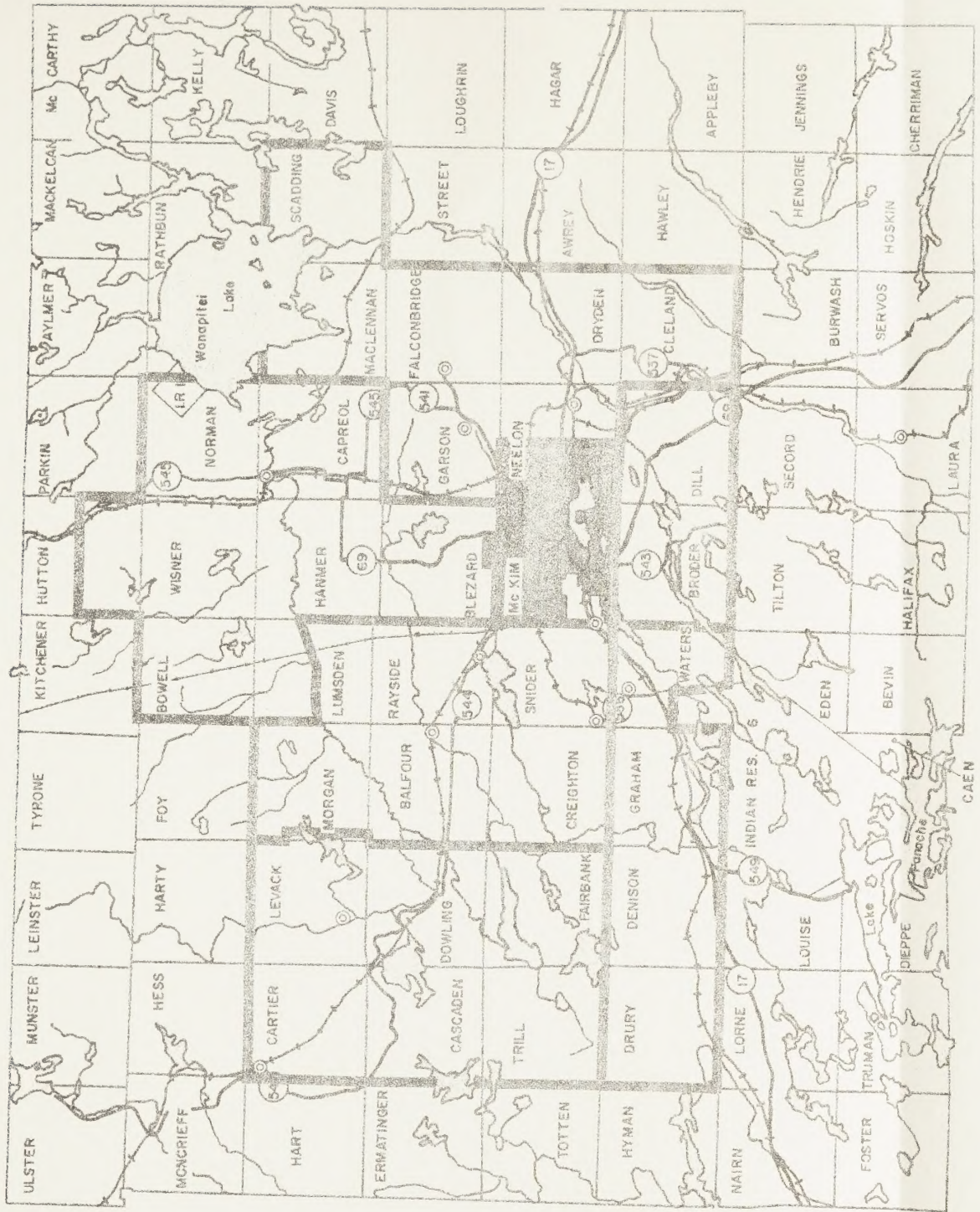
SUMMARY OF RECOMMENDATIONS

1. Prevent development under Reference Plans
2. Consolidation into one city and five townships
 - a. New City of Sudbury
 - b. Township of Waters et al
 - c. Township of Dowling et al
 - d. Township of Balfour et al
 - e. Township of Valley East et al
 - f. Township of Neelon and Garson et al
3. Purely local services reserved to lower tier
4. Regional council recommended
5. Sole planning jurisdiction in regional council
6. Right of lower tier to object and apply for amendments
7. Planning board without council members
8. Building standards for regional council
9. Licensing powers in regional council
10. Municipal responsibility in health and social and family services in regional council
11. Capital borrowing by regional council
12. Arterial roads under regional council
13. Regional councillors elected indirectly
14. Council of seventeen members, all elected
15. Chairman to be elected member of council
16. A chief administrative officer
17. Composition of council
18. Elections every two years

19. Amalgamate conservation authorities
20. Capital for hospitals - regional
21. One licensing and permit authority in unorganized territory
22. A general regional statute
23. A further review in three years

SUDBURY AREA STUDY

proposed municipal boundaries



ONTARIO DEPARTMENT OF MUNICIPAL AFFAIRS



Scale: 1 inch = 5 miles



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